

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

3M COMPANY,

Plaintiff,

-against-

PERFORMANCE SUPPLY, LLC,

Defendant.

Case No.: 1:20-cv-02949 (LAP)(KNF)

Jury Trial Demanded

DECLARATION OF A. JOHN P. MANCINI, ESQ.

IN SUPPORT OF PLAINTIFF 3M COMPANY'S APPLICATION

FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

I, A. John P. Mancini, Esq., pursuant to 28 U.S.C. § 1746 and upon penalty of perjury, declare as follows:

1. I am a resident of the State of Connecticut; over the age of 18; and competent to make this declaration. I could and would testify as to the matters set forth herein, if called upon to do so.

2. I am a partner in the New York office of the law firm of MAYER BROWN LLP. I am counsel of record for Plaintiff 3M Company (“3M”) in the above-captioned action.

3. I submit this Declaration in support of 3M’s application for a temporary restraining order and preliminary injunction against Defendant Performance Supply, LLC (“Defendant”). No prior application for the relief sought herein has been requested.

4. The information set forth herein is based on: (i) my representation of 3M in this lawsuit; (ii) my review of the documents attached hereto as exhibits; and (iii) my review of the pleadings and proceedings to date in this lawsuit.

5. I attach hereto as **Exhibit 1** a true and correct copy of a printout from the website located at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/summary.html> (last accessed on April 22, 2020).

6. I attach hereto as **Exhibit 2** a true and correct copy of a printout from the website located at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/respirators-strategy/index.html> (last accessed on April 22, 2020).

7. I attach hereto as **Exhibit 3** a true and correct copy of a spreadsheet from the “DOWNLOAD DATA (CSV)” tab on the website located at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html> (last accessed on April 22, 2020).

8. I attach hereto as **Exhibit 4** a true and correct copy of an article that appeared in the *Wall Street Journal* on April 2, 2020, titled *3M CEO on N95 Masks: Demand Exceeds Our Production Capacity* (<https://www.wsj.com/articles/3m-ceo-on-n95-masks-demand-exceeds-our-production-capacity-11585842928l>; last accessed on April 22, 2020).

9. I attach hereto as **Exhibit 5** a true and correct copy of an article that appeared on *Minnesota Public Radio*’s website on March 5, 2020, titled *Pence Praises 3M for Mask-Production Efforts as MN Braces for COVID-19* (<https://www.mprnews.org/story/2020/03/05/pence-congratulates-3m-for-efforts-to-meet-demand-for-masks>; last accessed on April 22, 2020).

10. I attach hereto as **Exhibit 6** a true and correct copy of an article that appeared in the *Wall Street Journal* on April 9, 2020, titled *Faulty N95 Masks Hamper Hospitals on Coronavirus Front Line* (<https://www.wsj.com/articles/faulty-n95-masks-hamper-hospitals-on-coronavirus-front-line-11586437345l>; last accessed April 22, 2020).

11. I attach hereto as **Exhibit 7** a true and correct copy of the Amended Complaint in the lawsuit styled, *3M Company v. Rx2Live, LLC*, Case No. 1:20-cv-00523, presently pending in the United States District Court for the Eastern District of California.

12. I attach hereto as **Exhibit 8** a true and correct copy of the Complaint in the lawsuit styled, *3M Company v. John Doe, claiming to be the “3M Company Trust Account,”* Cause No. DC-20-05549, presently pending in Dallas County, Texas District Court.

13. I attach hereto as **Exhibit 9** a true and correct copy of the Complaint in the lawsuit styled, *3M Company v. Geftiko, LLC*, 6:20-cv-00648, presently pending in the United States District Court for the Middle District of Florida, Orlando Division.

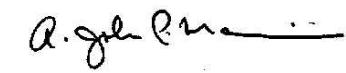
14. A search for “Performance Supply, LLC,” using Google’s Internet search engine, does not generate a website for the Defendant in this lawsuit.

15. A search for “Performance Supply, LLC” on social media platforms, including Facebook, Instagram, Twitter, LinkedIn, YouTube, Pinterest, and TikTok does not reveal an account for the Defendant in this lawsuit.

16. I attach hereto as **Exhibit 10** a true and correct copy of Exhibit 8 to the Complaint in this lawsuit (Dkt. No. 1-8). In Paragraph 10 of the document attached hereto as Ex. 10, a “Mr. Ron Romano” is listed as the “President” of the Defendant in this lawsuit, Performance Supply, LLC. At the bottom of page 1 of the document attached hereto as Exh. 10, the following phone number appears: “+1 (732) 685-6403.” On April 21, 2020, I searched “(732) 685-6403” using Google’s Internet search engine. I attach hereto as **Exhibit 11** a true and correct copy of the results of this Internet search. As shown in Ex. 11, the second search result is a listing for a “1963 Chevrolet Corvette for sale in Manalapan, NJ” on the website dadsclassiccars.com. As also shown in Ex. 11, the “Dealer” of this car is listed as “Roman Chariot Bus and Van Sales – Manalapan,

NJ (732) 685-6403." I attach hereto as **Exhibit 12** a true and correct copy of Ronald Romano's LinkedIn profile. As shown in Ex. 12, Mr. Roman states on his LinkedIn profile that he is the President of Roman Chariot Bus Sale's [sic]" in Manalapan, New Jersey.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration was executed this 22nd day of April, 2020.



A. John P. Mancini

CERTIFICATE OF SERVICE

I, A. John P. Mancini, hereby certify that, on April 24, 2020, I filed a true and correct copy of the foregoing document, titled *Declaration of A. John P. Mancini, Esq. in Support of Plaintiff 3M Company's Application for a Temporary Restraining Order and Preliminary Injunction*, using this Court's ECF Filing System. I also certify that, on April 22, 2020, before filing the foregoing document, I arranged for service of a true and correct copy of it on Defendant Performance Supply, LLC via personal service and First Class Mail at:

Performance Supply, LLC
c/o Ronald Romano
3 Westbrook Way
Manalapan, New Jersey 07726

/s/ A. John P. Mancini
A. John P. Mancini

Attorney for Plaintiff 3M Company